

ORDINANCE NO. 2013-18

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF NEWPORT BEACH
AMENDING SECTION 3.36.030 OF THE
NEWPORT BEACH MUNICIPAL CODE**

WHEREAS, the City of Newport Beach (“City”) funds certain municipal services, which are typically performed without request by the user, benefit the public generally and are traditionally funded by tax revenue; and

WHEREAS, the City performs other services which are funded in whole or in part by the person requesting the service; and

WHEREAS, Newport Beach Municipal Code (“Municipal Code”) Section 3.36.030(E), Exhibit “A”, provides that the City’s cost of providing Newport Beach Fire Department (“NBFD”) services shall be recovered through direct fees charged for services in the percentages or dollar amounts indicated:

Fire and Marine	
Emergency Operations Services	
Advanced Life Support—Escorted	Up to 80%
Advanced Life Support—Not Escorted	Up to 80%
Basic Life Support—Escorted	Up to 80%
Basic Life Support—Not Escorted	Up to 80%
Construction and Inspection Services— State-Mandated Inspections	
Day Care Facilities	25%

WHEREAS, Section 3.36.030(D) provides that City Council may modify the cost recovery percentage for any service by amending Municipal Code Chapter 3.36; and

WHEREAS, Newport Beach residents have historically received a 15% discount from the cost of the Junior Guard registration fee, and the City Council now desires to identify this resident fee in Section 3.36, Exhibit “A”; and

WHEREAS, the City commissioned MGT of America, Inc. to prepare a cost of services study for Nbfd services, which found that the cost of the Junior Guard Program has increased; and

WHEREAS, City Council desires to maintain the resident fees close to the current level to encourage residents to participate in a valued community benefit, and therefore, the cost recovery percentages must be modified accordingly to maintain the current fees; and

WHEREAS, as a matter of public policy, the City desires to add a City Council, Board, Commission, Committee appeal fee of \$0 to Section 3.36.30, Exhibit "A", to be applied to any previously filed appeals, pending appeals and future appeals.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

SECTION 1: Section 3.36.30E of the Newport Beach Municipal Code is hereby amended to read as follows:

Fees for service established in the fee resolution may be waived by the City Council. The City Manager may waive fees imposed on non-profit organizations for non-profit sponsored events in an amount not to exceed one thousand dollars (\$1,000.00) per year.

SECTION 2: Section 3.36.030, Exhibit "A", of the Newport Beach Municipal Code is hereby amended to read as follows:

Exhibit A

The City's cost of providing the following services shall be recovered through direct fees charged for services in the percentages or dollar amounts indicated.

Service	Percentage of Cost or Amount to be Recovered from Direct Fees
Building	
Preliminary Plan Review	75%
Planning	
Appeals to City Council	50%

Service	Percentage of Cost or Amount to be Recovered from Direct Fees
Appeals to Planning Commission	50%
Recreation and Senior Services	
Adult Sports	
Adult Sports	62%
Adult Drop-In Sports	15%
Rentals	50%
Badge Replacement	45%
After School/Camp Programs	
Camps	40%
After-School/Teen Program	20%
Pre-School Program	40%
Aquatics	20%
Contract Classes	60%
Class Refunds	
\$74 or less	29%
\$75 or more	59%
Youth Sports	25%
Special Events—Levels 1, 2, and 3	
Resident	Up to 45%
Non-Resident	Up to 85%
Appeal to City Council	25%
Senior Services	
Oasis Transportation	5%

Service	Percentage of Cost or Amount to be Recovered from Direct Fees
Contract Classes	50%
Oasis Rentals	45%
Fitness Center	50%
Marine Environment Services— Marine Preserve Tours	15%
Library Services	
Meeting Room Rentals	1%
Rentals—Materials	20%
Inter-Library Loan	10%
Fire and Marine	
Emergency Operations Services	
Advanced Life Support—Escorted	Up to 80%
Advanced Life Support—Not Escorted	Up to 80%
Basic Life Support—Escorted	Up to 80%
Basic Life Support—Not Escorted	Up to 80%
State-Mandated Inspections	
Day Care Facilities	25%
Marine	
Junior Guards-Resident	82.1%
Police	
Initial Concealed Weapons Permit	Maximum Permitted by Law

Service	Percentage of Cost or Amount to be Recovered from Direct Fees
Concealed Weapon Permit Renewal	Maximum Permitted by Law
Bike Licenses	17%
Subpoena Duces Tecum	Maximum Permitted by Law
Vehicle Release	91%
Domestic Violence Reports	0%
Missing Persons Report	0%
Second Hand/Pawn Dealer Tag Check	0%
Registrant—Sex	0%
Registrant—Narcotics	0%
Public Works	
Engineering	
Encroachment Permit without Traffic Engineer Review	88%
Encroachment Permit with Traffic Engineer Review	57%
Appeal of Lease/Permit under Section <u>17.60.080</u>	\$100
Finance	
Parking Reviews	0%
Parking Hearings	0%
Admin. Cite Hearings	0%
Municipal Operations	

Service	Percentage of Cost or Amount to be Recovered from Direct Fees
Construction Water Meter Establishment	30%
City Council, Board, Commission, Committee or any individual member thereof when acting within the scope of their official duties	
Appeal or Review from a lower body or official	\$0

SECTION 3: The amendment to Section 3.36.30, Exhibit "A," adding a City Council, Board, Commission, Committee appeal fee of \$0 shall be applied to any previously filed appeals, pending appeals and future appeals. The adoption of this provision is intended to be a restatement and codification of a long-standing City policy and practice.

SECTION 4: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5: The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 12th day of November, 2013, and adopted on the 26th day of November, 2013, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT, COUNCILMEMBERS _____

Keith D. Curry, Mayor

ATTEST:

Leilani I. Brown, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By: _____
Aaron C. Harp, City Attorney